

**Amendments to the Drawings:**

The drawing sheets attached in connection with the above-identified application containing Figures 1 and 5 are being presented as new formal drawing sheets to be substituted for the previously submitted drawing sheets. The drawing Figures 1 and 5 have been amended. Appended to this amendment is an annotated copy of the previous drawing sheets which have been marked to show changes presented in the replacement sheets of the drawing.

The specific changes which have been made to the figures are:

- 1) Figure 1: numeric descriptor "d4" added to that figure;
- 2) Figure 5: numeric descriptor "1" added to that figure.

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claims 1-4 and 6 are currently being cancelled.

Claims 5, 7, 8, 14-19 and 23-24 are currently being amended.

Claims 25-35 are currently being added.

This amendment and reply adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 5, 7, 8, 14-19 and 23-35 are now pending in this application.

**Drawing Objections:**

In the Office Action, the drawings were objected to because they do not include two reference signs mentioned in the specification. By way of this amendment and reply, Figures 1 and 5 have been amended to overcome this objection.

**Abstract and Specification Objections:**

In the Office Action, the Abstract was objected to because of legal phraseology used in the Abstract. By way of this Amendment and Reply, a new Abstract is being submitted, which does not have any legal phraseology.

In the Office Action, the specification (disclosure) was objected to because of minor informalities noted on page 3 of the Office Action. By way of this amendment and reply, the specification has been amended to overcome these objections.

**Claim Objections:**

In the Office Action, claims 1 and 2 were objected to because they should have been canceled in the previously-filed response. By way of this amendment and reply, claims 1 and 2 have been canceled.

**Claim Rejections – Prior Art:**

In the Office Action, claims 3-8, 14-19 and 23-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,504,776 to Yamaura; and claims 3-8, 14-19 and 23-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 930721 to Lucidarme. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

**Yamaura:**

With respect to independent claim 5, that claim recites that when the communication quality is not degraded below a predetermined level and the transmission power is not minimum, the transmission power is lowered. Thus, according to claim 5, the transmission power is varied even when the communication quality is determined to be OK. This situation does not exist in the system of Yamaura, which would not vary an existing transmission power used for communications between equipments, as long as the communication quality is determined to be OK.

Accordingly, independent claim 5 is not anticipated by Yamaura

Still further, with respect to independent claim 7, that claim recites that when the communication quality is not degraded below a predetermined level and the transmission power is minimum, and when a vacant band is present in a narrower band than a currently used frequency band, the frequency band is varied to narrower band. Thus, according to claim 7, the frequency band is varied even when the communication quality is determined to be OK. This situation does not exist in the system of Yamaura, which would not vary an existing frequency band used for communications between equipments, as long as the communication quality is determined to be OK.

Column 9, lines 31-47 and Block S16 of Figure 10 of Yamaura do not describe the above-mentioned features of claim 7. Rather, column 9, lines 31-47 of Yamaura describes a method in which a narrow band width is used if the communication traffic is determined to be lower than a threshold value. Block S16 of Figure 10 of Yamaura describes that each terminal is instructed to go to a narrow band width when the S/N ratio X is greater than a threshold value  $x_B$ . Neither of these portions of Yamaura discloses or suggest that the frequency band is varied even when the communication quality is determined to be OK.

Accordingly, independent claim 7 is not anticipated by Yamaura.

Similarly, independent claim 16 recites that when the communication quality is not degraded below a predetermined level and the transmission power is not minimum, the transmission power is lowered. This purposeful lowering of the transmission power in order to not interfere with other communication channels used by other equipment is not disclosed or suggested by Yamaura.

Accordingly, independent claim 16 is not anticipated by Yamaura.

With respect to independent claims 8, 14, 15, 17 and 19, those claims now recite that the control step (or unit) varies the transmission band width in preference to varying the transmission power. Such preferential varying of the transmission band width over the transmission power is not disclosed or suggested by Yamaura. The Office Action asserts that column 12, lines 44-49 of Yamaura describes this preferential varying. Applicant respectfully disagrees. Column 12, lines 44-49 of Yamaura merely describes that there is a relationship between transmission spread code clock rates and increased margins of power control precision, whereby there is no disclosure or suggestion that transmission band width is varied in preference to varying transmission power.

Accordingly, independent claims 8, 14, 15, 17 and 19 is not anticipated by Yamaura.

With respect to independent claims 23 and 24, they recite features discussed above with respect to presently pending independent claims 8, 15, 17 and 19, whereby such features are not disclosed or suggested by Yamaura.

Lucidarme:

With respect to independent claim 5, that claim recites that when the communication quality is not degraded below a predetermined level and the transmission power is not minimum, the transmission power is lowered. Thus, according to claim 5, the transmission power is varied even when the communication quality is determined to be OK. This situation does not exist in the system of Lucidarme, which would not vary an existing transmission power used for communications between equipments, as long as the communication quality is determined to be OK.

The Office Action asserts that paragraphs 0037, 0040, 0043 and 0054 of Lucidarme describe the above-mentioned features of claim 5. Applicant respectfully disagrees. While these paragraphs of Lucidarme describe the controlling of transmission power and band width

between a mobile station and a base station, they do not contemplate a situation in which the transmission power is varied even when the communication quality is determined to be OK.

Accordingly, independent claim 5 is not anticipated by Lucidarme.

With respect to independent claim 7, that claim recites that when the communication quality is not degraded below a predetermined level and the transmission power is minimum, and when a vacant band is present in a narrower band than a currently used frequency band, the frequency band is varied to narrower band. Thus, according to claim 7, the frequency band is varied even when the communication quality is determined to be OK. This situation does not exist in the system of Lucidarme, which would not vary an existing frequency band used for communications between equipments, as long as the communication quality is determined to be OK.

Accordingly, independent claim 7 is not anticipated by Lucidarme.

Independent claim 16 recites that when the communication quality is not degraded below a predetermined level and the transmission power is not minimum, the transmission power is lowered. This purposeful lowering of the transmission power in order to not interfere with other communication channels used by other equipment is not disclosed or suggested by Lucidarme.

Accordingly, independent claim 16 is not anticipated by Lucidarme.

The Office Action asserts that paragraphs 0037, 0040, 0043 and 0054 of Lucidarme describe the above-mentioned features of claim 7. Applicant respectfully disagrees. While these paragraphs of Lucidarme describe the controlling of transmission power and band width between a mobile station and a base station, they do not contemplate a situation in which the frequency band is varied even when the communication quality is determined to be OK.

With respect to the rejection of claims 23 and 24, the Office Action asserts that paragraphs 0037, 0040, 0043 and 0054 of Lucidarme describe that the transmission band width is varied in preference to varying the transmission power. Applicant respectfully disagrees. While these paragraphs of Lucidarme describe the varying of both transmission band width and transmission power between a mobile station and a base station, there is nothing in any of these paragraphs of Lucidarme regarding the varying of the transmission band width in preference to varying the transmission power. Rather, it appears that both parameters can be varied, with no preference with respect to which one should be varied first.

Accordingly, claims 23 and 24 are not anticipated by Lucidarme.

With respect to independent claims 8, 15, 17 and 19, those claims now recite that the control step (or unit) varies the transmission band width in preference to varying the transmission power. Such preferential varying of the transmission band width over the transmission power is not disclosed or suggested by Lucidarme, as discussed above with respect to claims 23 and 24.

Accordingly, independent claims 8, 15, 17 and 19 is not anticipated by Lucidarme.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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